



Senate

General Assembly

File No. 475

January Session, 2007

Substitute Senate Bill No. 1182

Senate, April 12, 2007

The Committee on Government Administration and Elections reported through SEN. SLOSSBERG of the 14th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING ADMINISTRATIVE PROCEDURES OF THE DEPARTMENT OF PUBLIC WORKS, AUDITING OF LARGE CONSTRUCTION CONTRACTS, ENVIRONMENTAL REVIEW OF CERTAIN LAND TRANSFERS, GRANT PAYMENTS TO MUNICIPALITIES, ADVERTISING ON STATE BUILDINGS AND CERTAIN EXEMPTIONS TO THE FREEDOM OF INFORMATION ACT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 4b-91 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (b) The Commissioner of Public Works, the joint committee or the
5 constituent unit, as the case may be, shall determine the manner of
6 submission and the conditions and requirements of such bids, and the
7 time within which the bids shall be submitted, consistent with the
8 provisions of sections 4b-91 to 4b-96, inclusive. Such award shall be
9 made [within sixty] not later than ninety days after the opening of such
10 bids. If the general bidder selected as the general contractor fails to

11 perform the general contractor's agreement to execute a contract in
12 accordance with the terms of the general contractor's general bid and
13 furnish a performance bond and also a labor and materials or payment
14 bond to the amount specified in the general bid form, an award shall
15 be made to the next lowest responsible and qualified general bidder.
16 No employee of the Department of Public Works, the joint committee
17 or a constituent unit with decision-making authority concerning the
18 award of a contract and no public official, as defined in section 1-79,
19 may communicate with any bidder prior to the award of the contract if
20 the communication results in the bidder receiving information about
21 the contract that is not available to other bidders, except that if the
22 lowest responsible and qualified bidder's price submitted is in excess
23 of funds available to make an award, the Commissioner of Public
24 Works, the Joint Committee on Legislative Management or the
25 constituent unit, as the case may be, may negotiate with such bidder
26 and award the contract on the basis of the funds available, without
27 change in the contract specifications, plans and other requirements. If
28 the award of a contract on said basis is refused by such bidder, the
29 Commissioner of Public Works, the Joint Committee on Legislative
30 Management or the constituent unit, as the case may be, may negotiate
31 with other contractors who submitted bids in ascending order of bid
32 prices without change in the contract, specifications, plans and other
33 requirements. In the event of negotiation with general bidders as
34 provided in this section, the general bidder involved may negotiate
35 with subcontractors on the same basis, provided such general bidder
36 shall negotiate only with subcontractors named on such general
37 bidder's general bid form.

38 Sec. 2. Subdivision (4) of section 4-250 of the general statutes is
39 repealed and the following is substituted in lieu thereof (*Effective from*
40 *passage*):

41 (4) "Large state contract" means an agreement or a combination or
42 series of agreements between a state agency or a quasi-public agency
43 and a person, firm or corporation, having a total [cost to such state
44 agency or quasi-public agency] value of more than five hundred

45 thousand dollars in a calendar or fiscal year, for (A) a project for the
46 construction, alteration or repair of any public building or public work,
47 (B) services, including, but not limited to, consulting and professional
48 services, (C) the procurement of supplies, materials or equipment, (D)
49 a lease, or (E) a licensing arrangement. The term "large state contract"
50 shall not include a contract between a state agency or a quasi-public
51 agency and a political subdivision of the state.

52 Sec. 3. Subsection (a) of section 4b-38 of the general statutes is
53 repealed and the following is substituted in lieu thereof (*Effective from*
54 *passage*):

55 (a) Subject to the provisions of section 4b-30 the commissioner may
56 lease state-owned land or buildings, or both, and facilities to (1)
57 municipalities for municipal use, or (2) private individuals or concerns
58 for private use, when such land, buildings and facilities are otherwise
59 not used or needed for state use and such action seems desirable to
60 produce income or is otherwise in the public interest, provided the
61 Treasurer has determined that such action will not affect the status of
62 any tax-exempt obligations issued or to be issued by the state of
63 Connecticut. [Each lease to a municipality under this subsection shall
64 have a term of not more than twenty years.]

65 Sec. 4. Section 67 of public act 00-167 is repealed and the following is
66 substituted in lieu thereof (*Effective from passage*):

67 Notwithstanding any provision of the general statutes or of any
68 special act, including, but not limited to, the provisions of sections 4b-2
69 to 4b-3, inclusive, 4b-51 to 4b-58, inclusive, 4b-91 to 4b-102, inclusive,
70 19a-638 and 19a-939 and chapters 124 and 126 of the general statutes,
71 or any of the provisions of any ordinance or special act of any
72 municipality, the Commissioner of Mental Health and Addiction
73 Services may provide a grant-in-aid to an entity which is considered to
74 be a nonprofit organization under Section 501(c)(3) of the Internal
75 Revenue Code of 1986, or any subsequent corresponding internal
76 revenue code of the United States, as from time to time amended, for
77 the design and construction of an addition to the Connecticut Mental

78 Health Center in New Haven. Said grant shall be made in accordance
79 with the terms of a contract between the Commissioner of Mental
80 Health and Addiction Services, in consultation with the Commissioner
81 of Public Works, and the Section 501(c)(3) nonprofit organization. Such
82 contract shall include a provision that requires the formation of an
83 oversight committee made up of said departments and said nonprofit
84 organization. The oversight committee shall meet not less than once
85 per month and shall be kept fully informed of the progress of design
86 and construction of said addition. Such committee shall have access to
87 all documents and materials in the possession or under the control of
88 the nonprofit organization and any of its agents, contractors or
89 consultants, including, but not limited to, project budgets. Such
90 committee shall approve any legal documents and related materials
91 concerning the design and construction of the project and the project
92 budget. The nonprofit organization shall be solely responsible for the
93 selection of any design consultants and any construction contractor.
94 The design and construction of the addition, including the method of
95 construction management, shall be in accordance with the terms and
96 conditions of the contract between the Commissioner of Mental Health
97 and Addiction Services, in consultation with the Department of Public
98 Works, and the Section 501(c)(3) nonprofit organization.

99 Sec. 5. Section 16a-38k of the general statutes is repealed and the
100 following is substituted in lieu thereof (*Effective from passage*):

101 (a) Notwithstanding any provision of the general statutes, any new
102 construction of a state facility, except salt sheds, parking garages,
103 maintenance facilities or school construction, that is projected to cost
104 five million dollars or more, and [is approved and funded] for which
105 all budgeted project bond funds are allocated by the State Bond
106 Commission on or after January 1, 2007, shall comply with or exceed
107 compliance with the silver building rating of the Leadership in Energy
108 and Environmental Design's rating system for new commercial
109 construction and major renovation projects, as established by the
110 United States Green Building Council, or an equivalent standard,
111 including, but not limited to, a two-globe rating in the Green Globes

112 USA design program until the regulations [adopted pursuant to]
113 described in subsection (b) of this section are adopted. The Secretary of
114 the Office of Policy and Management, in consultation with the
115 Commissioner of Public Works and the Institute for Sustainable
116 Energy, shall exempt any facility from complying with said regulations
117 if said secretary finds, in a written analysis, that the cost of such
118 compliance significantly outweighs the benefits. Nothing in this
119 section shall be construed to require the redesign of any new
120 construction of a state facility that is designed in accordance with the
121 silver building rating of the Leadership in Energy and Environmental
122 Design's rating system for new commercial construction and major
123 renovation projects, as established by the United States Green Building
124 Council, or an equivalent standard, including, but not limited to, a
125 two-globe rating in the Green Globes USA design program, provided
126 the design for such facility was initiated or completed prior to the
127 adoption of the regulations described in subsection (b) of this section.

128 (b) Not later than January 1, 2007, the Secretary of the Office of
129 Policy and Management, in consultation with the Commissioner of
130 Public Works, the Commissioner of Environmental Protection and the
131 Commissioner of Public Safety, shall adopt regulations, in accordance
132 with the provisions of chapter 54, to adopt state building construction
133 standards that are consistent with or exceed the silver building rating
134 of the Leadership in Energy and Environmental Design's rating system
135 for new commercial construction and major renovation projects, as
136 established by the United States Green Building Council, or an
137 equivalent standard, including, but not limited to, a two-globe rating
138 in the Green Globes USA design program, and thereafter update such
139 regulations as the secretary deems necessary.

140 Sec. 6. Subsection (b) of section 4b-53 of the general statutes is
141 repealed and the following is substituted in lieu thereof (*Effective from*
142 *passage*):

143 (b) The State Bond Commission, in the allocation of proceeds of
144 state bonds for purposes of the design, construction, reconstruction or

145 remodeling of any state building, shall allocate for works of art, with
146 respect to each such project and for the purposes of subsection (c) of
147 this section, an amount from such proceeds not less than one per cent
148 of the total estimated cost of such design, construction, reconstruction
149 or remodeling, exclusive of (1) the cost of any land acquisition, (2) any
150 nonconstruction costs including the cost of such work of art, and (3)
151 any augmentations to such cost, provided any such allocation for work
152 of art as provided in this section must be approved, prior to
153 authorization of such allocation by the State Bond Commission, by the
154 Commissioner of Public Works in consultation with the Connecticut
155 Commission on Culture and Tourism. Such allocation may be used to
156 reimburse any artist, artisan, craftsperson or person who creates a
157 work of art, for proposal development expenses when the Connecticut
158 Commission on Culture and Tourism requests such proposal
159 development or to compensate persons who, at the request of the
160 Connecticut Commission on Culture and Tourism determine whether
161 such works of art require proposal development.

162 Sec. 7. Subsection (a) of section 49-41 of the general statutes is
163 repealed and the following is substituted in lieu thereof (*Effective*
164 *October 1, 2007*):

165 (a) Each contract exceeding one hundred thousand dollars in
166 amount for the construction, alteration or repair of any public building
167 or public work of the state or a municipality shall include a provision
168 that the person to perform the contract shall furnish to the state or
169 municipality on or before the award date, a bond in the amount of the
170 contract which shall be binding upon the award of the contract to that
171 person, with a surety or sureties satisfactory to the officer awarding
172 the contract, for the protection of persons supplying labor or materials
173 in the prosecution of the work provided for in the contract for the use
174 of each such person, provided no such bond shall be required to be
175 furnished (1) in relation to any general bid in which the total estimated
176 cost of labor and materials under the contract with respect to which
177 such general bid is submitted is less than [fifty] one hundred thousand
178 dollars, (2) in relation to any sub-bid in which the total estimated cost

179 of labor and materials under the contract with respect to which such
180 sub-bid is submitted is less than [fifty] one hundred thousand dollars,
181 or (3) in relation to any general bid or sub-bid submitted by a
182 consultant, as defined in section 4b-55. Any such bond furnished shall
183 have as principal the name of the person awarded the contract.

184 Sec. 8. (NEW) (*Effective October 1, 2007*) (a) Notwithstanding any
185 provision of the general statutes, the Auditors of Public Accounts shall
186 appoint an inspector to monitor all state construction and
187 reconstruction projects with a value of fifty million dollars or more.
188 Such inspector shall be a professional engineer licensed by the state
189 and may not be employed by the state agency that is undertaking such
190 project or any contractor or subcontractor on such project. The
191 Auditors of Public Accounts shall determine the number of hours that
192 such inspector shall spend monitoring any given project. Any costs
193 relating to such inspector shall be paid from funds allocated for such
194 project.

195 (b) Any monitoring activities described in subsection (a) of this
196 section shall begin upon the selection of the successful bidder for such
197 project and shall terminate upon the completion of such project. Such
198 inspector shall review the implementation of the project and shall
199 make recommendations to the Auditors of Public Accounts concerning
200 such project to assure that state funds are used efficiently and
201 effectively in connection with such project. Not less than twice per
202 year, such inspector shall file a written report concerning any such
203 monitoring activities with the Auditors of Public Accounts.

204 Sec. 9. (NEW) (*Effective October 1, 2007*) (a) Prior to the sale or
205 transfer of state land or any interest in state land by a state agency,
206 department or institution, such agency, department or institution shall
207 provide notice of such sale or transfer to the Council on Environmental
208 Quality and the Commissioner of Environmental Protection on a form
209 approved by the Council on Environmental Quality. Such notice shall
210 be published in the Environmental Monitor and shall provide for a
211 written public comment period of thirty days following publication of

212 such notice, during which the public and state agencies may submit
213 comments regarding significant natural and recreational resources on
214 such land and the appropriate means to preserve such natural or
215 recreational resources. The agency, department or institution that
216 intends to sell or transfer such state land, or interest in such state land,
217 in consultation with the Commissioner of Environmental Protection,
218 shall (1) respond to any written comments received during such thirty-
219 day comment period, and (2) publish such written comments along
220 with such agency's, department's or institution's response to such
221 written comments in the Environmental Monitor for a period of not
222 less than fifteen days prior to the sale or transfer of the land.

223 (b) The Commissioner of Environmental Protection shall develop a
224 policy for reviewing notices received from a state agency, department
225 or institution, as described in subsection (a) of this section, and making
226 recommendations as to whether all or a portion of the land or land
227 interest referenced in such notice should be preserved by (1)
228 transferring the land or land interest or granting a conservation
229 easement therein to the Department of Environmental Protection, (2)
230 imposing restrictions or conditions upon the transfer of the land or
231 land interest, or (3) transferring all or a portion of the land or land
232 interest, or granting a conservation easement interest therein, to a third
233 party. Any such recommendations shall be accompanied by a report
234 explaining the basis of the recommendations and shall include, where
235 appropriate, a natural resource inventory. Such recommendations and
236 report shall be published in the Environmental Monitor and shall
237 provide for a written public comment period of thirty days following
238 publication of such notice. Such agency, department or institution, in
239 consultation with the Commissioner of Environmental Protection, shall
240 (A) respond to any written comments received during such thirty-day
241 comment period, and (B) publish such written comments along with
242 such agency's, department's or institution's response to such written
243 comments in the Environmental Monitor for a period of not less than
244 fifteen days prior to the sale or transfer of such land or land interest.

245 (c) Nothing in this section shall be construed to:

246 (1) Limit the applicability of sections 22a-1a to 22a-1i, inclusive, of
247 the general statutes, with respect to the sale or transfer of state land or
248 any interest in state land, except that if an environmental impact
249 evaluation was prepared pursuant to sections 22a-1b and 22a-1c of the
250 general statutes or an environmental statement was prepared for such
251 state land or interest in state land pursuant to any other state or federal
252 law or regulation, as specified in section 22a-1f of the general statutes,
253 such state agency, department or institution shall be exempt from the
254 notice and public comment requirements set forth in subsections (a)
255 and (b) of this section;

256 (2) Affect any purchase and sale agreement entered into between
257 the state and any prospective purchaser that was in effect prior to the
258 effective date of this section or any subsequent sale or transfer made
259 pursuant to any such purchase and sale agreement;

260 (3) Apply to the conveyance of any parcel of state land or any
261 interest in state land pursuant to an act of the General Assembly; or

262 (4) Apply to the sale or transfer of state land or an interest in state
263 land that was designated as surplus, pursuant to subsections (b) and
264 (c) of section 4b-21 of the general statutes, provided the provisions of
265 this section were complied with at the time of such designation.

266 Sec. 10. (NEW) (*Effective October 1, 2007*) There is established, within
267 the General Fund, a separate, nonlapsing account to be known as the
268 "environmental review account." The account may contain any moneys
269 required or allowed by law to be deposited in the account, including,
270 but not limited to, moneys from the sale of state properties not
271 otherwise specially designated for deposit into the General Fund or
272 any other account. Such account may contain up to a maximum of one
273 hundred thousand dollars. Any balance remaining in the account at
274 the end of any fiscal year shall be carried forward in the account for
275 the fiscal year next succeeding. Payments from the account shall be
276 made upon authorization from the Commissioner of Environmental
277 Protection. All moneys in the account shall be used for the exclusive
278 purposes of (1) preparing or implementing recommendations and

279 reports by the Department of Environmental Protection or a state
280 agency, department or institution pursuant to subsections (a) and (b)
281 of section 9 of this act, or (2) preparing or reviewing environmental
282 impact evaluations, in accordance with the provisions of sections 22a-
283 1b and 22a-1d of the general statutes.

284 Sec. 11. Subsections (c) and (d) of section 7-522 of the general
285 statutes are repealed and the following is substituted in lieu thereof
286 (*Effective from passage*):

287 (c) Upon recommendation by the Local Emergency Relief Advisory
288 Committee of approval of an application for an emergency relief grant,
289 and upon approval of such recommendation by the Finance Advisory
290 Committee, under subsection (b) of this section, the Secretary of the
291 Office of Policy and Management shall certify to the Comptroller the
292 amount due to the municipality. Not later than [fifteen] five business
293 days after such certification, the Comptroller shall draw his or her
294 order on the Treasurer, [and, not later than fifteen days thereafter, the
295 Treasurer] who shall pay the grant to the municipality.

296 (d) In the case of an emergency relief grant, the proceeds of which
297 shall be used to satisfy a local matching requirement for federal
298 assistance under the federal Disaster Relief Act, upon approval by the
299 Secretary of the Office of Policy and Management of a completed
300 federal disaster assistance application, the secretary shall certify to the
301 Comptroller the amount due to the municipality. Not later than
302 [fifteen] five business days after such certification, the Comptroller
303 shall draw his or her order on the Treasurer, [and, not later than fifteen
304 days thereafter, the Treasurer] who shall pay the grant to the
305 municipality.

306 Sec. 12. Subsection (g) of section 7-536 of the general statutes is
307 repealed and the following is substituted in lieu thereof (*Effective from*
308 *passage*):

309 (g) Each municipality may apply to the secretary for expense
310 reimbursement at the time it submits a local capital improvement

311 project authorization request or any time after such authorization
312 request has been approved by the secretary. The application for
313 expense reimbursement shall be submitted on a form prescribed by the
314 secretary and shall contain identification of the expenses for which
315 reimbursement is sought and certification from the municipality that:
316 (1) Expenditures for the project conform to the provisions of
317 subdivision (4) of subsection (a) of this section and the municipality is
318 entitled to the reimbursement requested in the application; and (2) the
319 municipality agrees to maintain detailed accounting records of the
320 project reflecting the expenditures for which reimbursement has been
321 requested and to make such records available to its independent
322 auditor and the state. The municipality shall provide any other
323 certification required by the secretary. Not later than [fifteen] five
324 business days after such certification, the Comptroller shall draw his or
325 her order on the Treasurer, [and, not later than fifteen days thereafter,
326 the Treasurer] who shall pay the grant to the municipality.

327 Sec. 13. Subsection (d) of section 7-608 of the general statutes is
328 repealed and the following is substituted in lieu thereof (*Effective from*
329 *passage*):

330 (d) There is created a neighborhood revitalization zone grant-in-aid
331 program to be administered by the Secretary of the Office of Policy and
332 Management, for the purpose of providing financial assistance for the
333 benefit of neighborhood revitalization zone planning committees. Such
334 financial assistance, within available appropriations, shall be used for
335 activities that promote neighborhood organizational development,
336 economic development and business planning, specialized curriculum
337 development, leadership training, the use of technology, property
338 management, landlord-tenant relations, intergovernmental relations
339 and such other activities as the board may deem appropriate. The
340 secretary shall review recommendations regarding the disbursement
341 of moneys made by the board and shall make a determination
342 concerning the awarding of such financial assistance. Upon making a
343 determination, the secretary shall certify to the State Comptroller the
344 amount payable and the recipient of such grant. Not later than [fifteen]

345 five business days after such certification, the State Comptroller shall
346 draw his or her order on the State Treasurer, [and not later than fifteen
347 days thereafter, the State Treasurer] who shall pay such grant. The
348 secretary shall not certify a grant in an amount exceeding ten thousand
349 dollars.

350 Sec. 14. Subsection (d) of section 12-62f of the general statutes is
351 repealed and the following is substituted in lieu thereof (*Effective from*
352 *passage*):

353 (d) Upon approval of an application for state financial assistance,
354 the secretary shall certify to the Comptroller the amount due to the
355 municipality. Not later than [fifteen] five business days after such
356 certification, the Comptroller shall draw his or her order on the
357 Treasurer, [and not later than fifteen days thereafter, the Treasurer]
358 who shall pay the grant to the municipality.

359 Sec. 15. (NEW) (*Effective from passage*) Notwithstanding any
360 provision of the general statutes, the Comptroller may appoint such
361 assistant comptrollers as necessary for the efficient conduct of the
362 business of the Comptroller. Such assistant comptrollers shall be in the
363 unclassified service and may be removed by the Comptroller.

364 Sec. 16. (NEW) (*Effective from passage*) Not later than February 1,
365 2008, the Commissioner of Public Works shall make recommendations
366 to the joint standing committee of the General Assembly having
367 cognizance of matters relating to government administration
368 concerning: (1) The placement of commercial advertisements upon
369 state buildings, facilities, stadiums, arenas or theaters by advertisers or
370 sponsors, and (2) the granting of naming rights to any such advertiser
371 or sponsor for any such state building, facility, stadium, arena or
372 theater.

373 Sec. 17. Subsection (b) of section 1-210 of the general statutes is
374 repealed and the following is substituted in lieu thereof (*Effective*
375 *October 1, 2007*):

376 (b) Nothing in the Freedom of Information Act shall be construed to
377 require disclosure of:

378 (1) Preliminary drafts or notes provided the public agency has
379 determined that the public interest in withholding such documents
380 clearly outweighs the public interest in disclosure;

381 (2) Personnel or medical files and similar files the disclosure of
382 which would constitute an invasion of personal privacy;

383 (3) Records of law enforcement agencies not otherwise available to
384 the public which records were compiled in connection with the
385 detection or investigation of crime, if the disclosure of said records
386 would not be in the public interest because it would result in the
387 disclosure of (A) the identity of informants not otherwise known or the
388 identity of witnesses not otherwise known whose safety would be
389 endangered or who would be subject to threat or intimidation if their
390 identity was made known, (B) signed statements of witnesses, (C)
391 information to be used in a prospective law enforcement action if
392 prejudicial to such action, (D) investigatory techniques not otherwise
393 known to the general public, (E) arrest records of a juvenile, which
394 shall also include any investigatory files, concerning the arrest of such
395 juvenile, compiled for law enforcement purposes, (F) the name and
396 address of the victim of a sexual assault under section 53a-70, 53a-70a,
397 53a-71, 53a-72a, 53a-72b or 53a-73a, or injury or risk of injury, or
398 impairing of morals under section 53-21, or of an attempt thereof, or
399 (G) uncorroborated allegations subject to destruction pursuant to
400 section 1-216;

401 (4) Records pertaining to strategy and negotiations with respect to
402 pending claims or pending litigation to which the public agency is a
403 party until such litigation or claim has been finally adjudicated or
404 otherwise settled;

405 (5) (A) Trade secrets, which for purposes of the Freedom of
406 Information Act, are defined as information, including formulas,
407 patterns, compilations, programs, devices, methods, techniques,

408 processes, drawings, cost data, or customer lists that (i) derive
409 independent economic value, actual or potential, from not being
410 generally known to, and not being readily ascertainable by proper
411 means by, other persons who can obtain economic value from their
412 disclosure or use, and (ii) are the subject of efforts that are reasonable
413 under the circumstances to maintain secrecy; and

414 (B) Commercial or financial information given in confidence, not
415 required by statute;

416 (6) Test questions, scoring keys and other examination data used to
417 administer a licensing examination, examination for employment or
418 academic examinations;

419 (7) The contents of real estate appraisals, engineering or feasibility
420 estimates and evaluations made for or by an agency relative to the
421 acquisition of property or to prospective public supply and
422 construction contracts, until such time as all of the property has been
423 acquired or all proceedings or transactions have been terminated or
424 abandoned, provided the law of eminent domain shall not be affected
425 by this provision;

426 (8) Statements of personal worth or personal financial data required
427 by a licensing agency and filed by an applicant with such licensing
428 agency to establish the applicant's personal qualification for the
429 license, certificate or permit applied for;

430 (9) Records, reports and statements of strategy or negotiations with
431 respect to collective bargaining;

432 (10) Records, tax returns, reports and statements exempted by
433 federal law or state statutes or communications privileged by the
434 attorney-client relationship;

435 (11) Names or addresses of students enrolled in any public school or
436 college without the consent of each student whose name or address is
437 to be disclosed who is eighteen years of age or older and a parent or
438 guardian of each such student who is younger than eighteen years of

439 age, provided this subdivision shall not be construed as prohibiting the
440 disclosure of the names or addresses of students enrolled in any public
441 school in a regional school district to the board of selectmen or town
442 board of finance, as the case may be, of the town wherein the student
443 resides for the purpose of verifying tuition payments made to such
444 school;

445 (12) Any information obtained by the use of illegal means;

446 (13) Records of an investigation or the name of an employee
447 providing information under the provisions of section 4-61dd;

448 (14) Adoption records and information provided for in sections 45a-
449 746, 45a-750 and 45a-751;

450 (15) Any page of a primary petition, nominating petition,
451 referendum petition or petition for a town meeting submitted under
452 any provision of the general statutes or of any special act, municipal
453 charter or ordinance, until the required processing and certification of
454 such page has been completed by the official or officials charged with
455 such duty after which time disclosure of such page shall be required;

456 (16) Records of complaints, including information compiled in the
457 investigation thereof, brought to a municipal health authority pursuant
458 to chapter 368e or a district department of health pursuant to chapter
459 368f, until such time as the investigation is concluded or thirty days
460 from the date of receipt of the complaint, whichever occurs first;

461 (17) Educational records which are not subject to disclosure under
462 the Family Educational Rights and Privacy Act, 20 USC 1232g;

463 (18) Records, the disclosure of which the Commissioner of
464 Correction, or as it applies to Whiting Forensic Division facilities of the
465 Connecticut Valley Hospital, the Commissioner of Mental Health and
466 Addiction Services, has reasonable grounds to believe may result in a
467 safety risk, including the risk of harm to any person or the risk of an
468 escape from, or a disorder in, a correctional institution or facility under
469 the supervision of the Department of Correction or Whiting Forensic

- 470 Division facilities. Such records shall include, but are not limited to:
- 471 (A) Security manuals, including emergency plans contained or
472 referred to in such security manuals;
- 473 (B) Engineering and architectural drawings of correctional
474 institutions or facilities or Whiting Forensic Division facilities;
- 475 (C) Operational specifications of security systems utilized by the
476 Department of Correction at any correctional institution or facility or
477 Whiting Forensic Division facilities, except that a general description
478 of any such security system and the cost and quality of such system
479 may be disclosed;
- 480 (D) Training manuals prepared for correctional institutions and
481 facilities or Whiting Forensic Division facilities that describe, in any
482 manner, security procedures, emergency plans or security equipment;
- 483 (E) Internal security audits of correctional institutions and facilities
484 or Whiting Forensic Division facilities;
- 485 (F) Minutes or recordings of staff meetings of the Department of
486 Correction or Whiting Forensic Division facilities, or portions of such
487 minutes or recordings, that contain or reveal information relating to
488 security or other records otherwise exempt from disclosure under this
489 subdivision;
- 490 (G) Logs or other documents that contain information on the
491 movement or assignment of inmates or staff at correctional institutions
492 or facilities; and
- 493 (H) Records that contain information on contacts between inmates,
494 as defined in section 18-84, and law enforcement officers;
- 495 (19) Records when there are reasonable grounds to believe
496 disclosure may result in a safety risk, including the risk of harm to any
497 person, any government-owned or leased institution or facility or any
498 fixture or appurtenance and equipment attached to, or contained in,

499 such institution or facility, except that such records shall be disclosed
500 to a law enforcement agency upon the request of the law enforcement
501 agency. Such reasonable grounds shall be determined (A) with respect
502 to records concerning any executive branch agency of the state or any
503 municipal, district or regional agency, by the Commissioner of Public
504 Works, after consultation with the chief executive officer of the agency;
505 (B) with respect to records concerning Judicial Department facilities,
506 by the Chief Court Administrator; and (C) with respect to records
507 concerning the Legislative Department, by the executive director of the
508 Joint Committee on Legislative Management. As used in this section,
509 "government-owned or leased institution or facility" includes, but is
510 not limited to, an institution or facility owned or leased by a public
511 service company, as defined in section 16-1, a certified
512 telecommunications provider, as defined in section 16-1, a water
513 company, as defined in section 25-32a, or a municipal utility that
514 furnishes electric, gas or water service, but does not include an
515 institution or facility owned or leased by the federal government, and
516 "chief executive officer" includes, but is not limited to, an agency head,
517 department head, executive director or chief executive officer. Such
518 records include, but are not limited to:

519 (i) Security manuals or reports;

520 (ii) Engineering and architectural drawings of government-owned
521 or leased institutions or facilities;

522 (iii) Operational specifications of security systems utilized at any
523 government-owned or leased institution or facility, except that a
524 general description of any such security system and the cost and
525 quality of such system, may be disclosed;

526 (iv) Training manuals prepared for government-owned or leased
527 institutions or facilities that describe, in any manner, security
528 procedures, emergency plans or security equipment;

529 (v) Internal security audits of government-owned or leased
530 institutions or facilities;

531 (vi) Minutes or records of meetings, or portions of such minutes or
532 records, that contain or reveal information relating to security or other
533 records otherwise exempt from disclosure under this subdivision;

534 (vii) Logs or other documents that contain information on the
535 movement or assignment of security personnel at government-owned
536 or leased institutions or facilities;

537 (viii) Emergency plans and emergency recovery or response plans;
538 and

539 (ix) With respect to a water company, as defined in section 25-32a,
540 that provides water service: Vulnerability assessments and risk
541 management plans, operational plans, portions of water supply plans
542 submitted pursuant to section 25-32d that contain or reveal
543 information the disclosure of which may result in a security risk to a
544 water company, inspection reports, technical specifications and other
545 materials that depict or specifically describe critical water company
546 operating facilities, collection and distribution systems or sources of
547 supply;

548 (20) Records of standards, procedures, processes, software and
549 codes, not otherwise available to the public, the disclosure of which
550 would compromise the security or integrity of an information
551 technology system;

552 (21) The residential, work or school address of any participant in the
553 address confidentiality program established pursuant to sections 54-
554 240 to 54-240o, inclusive;

555 (22) The electronic mail address of any person that is obtained by
556 the Department of Transportation in connection with the
557 implementation or administration of any plan to inform individuals
558 about significant highway or railway incidents;

559 (23) The name or address of any minor enrolled in any parks and
560 recreation program administered or sponsored by any public agency;

561 (24) Responses to any request for proposals or bid solicitation issued
 562 by a public agency or any record or file made by a public agency in
 563 connection with the contract award process, until such contract is
 564 executed or negotiations for the award of such contract have ended,
 565 whichever occurs earlier, provided the chief executive officer of such
 566 public agency certifies that the public interest in the disclosure of such
 567 responses, record or file is outweighed by the public interest in the
 568 confidentiality of such responses, record or file.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	4b-91(b)
Sec. 2	<i>from passage</i>	4-250(4)
Sec. 3	<i>from passage</i>	4b-38(a)
Sec. 4	<i>from passage</i>	PA 00-167, Sec. 67
Sec. 5	<i>from passage</i>	16a-38k
Sec. 6	<i>from passage</i>	4b-53(b)
Sec. 7	<i>October 1, 2007</i>	49-41(a)
Sec. 8	<i>October 1, 2007</i>	New section
Sec. 9	<i>October 1, 2007</i>	New section
Sec. 10	<i>October 1, 2007</i>	New section
Sec. 11	<i>from passage</i>	7-522(c) and (d)
Sec. 12	<i>from passage</i>	7-536(g)
Sec. 13	<i>from passage</i>	7-608(d)
Sec. 14	<i>from passage</i>	12-62f(d)
Sec. 15	<i>from passage</i>	New section
Sec. 16	<i>from passage</i>	New section
Sec. 17	<i>October 1, 2007</i>	1-210(b)

Statement of Legislative Commissioners:

In section 5, the new language was changed from "that had all budgeted project bond funds allocated by the State Bond Commission" to "for which all budgeted project funds are allocated by the State Bond Commission" for purposes of clarity. In section 6, the word "design" was inserted for purposes of consistency. In section 9 (a), the language was rewritten to clarify the agencies that are required to respond to the written comments. In section 10, "for deposit into the General Fund or any other account" was added to clarify the meaning of "not otherwise specially designated".

GAE *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Treasurer, Debt Serv.	GF - Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

Section 8 requires the Auditors of Public Accounts to appoint a professional engineer inspector to monitor each state construction or reconstruction project in excess of \$50 million. The anticipated cost for the inspector is \$100,000 per year for 5 years (the average duration of this type of project), which will increase the cost of each project by about \$500,000. Since building construction of this size is financed with General Obligation (GO) bond funds, any increase in the cost of the project will result in an increase in General Fund debt service costs.

Section 6: Under current law, no less than 1% of a state building's construction, reconstruction or remodeling costs are earmarked for artwork. The bill expands the cost basis on which the 1% earmark is calculated by adding the cost to design the project to the construction costs. This will increase the total cost of such projects, which will be reflected in higher General Fund debt service costs.

Section 16 requires the Department of Public Works (DPW) to make recommendations by 2/1/08 to the Government Administration and Elections Committee regarding placing commercial advertisements on state buildings and granting naming rights for state facilities. The cost to DPW to hire a consultant to do a study and prepare the recommendations is anticipated to be \$150,000 in FY 08.

Section 9: Assuming that the Department of Environmental

Protection (DEP) can review the notices and make recommendations utilizing the same process the agency currently uses for its land acquisition programs, any workload increase would be within normal budgetary resources. It is anticipated that any workload increase to the Council on Environmental Quality for publishing reviews in the Environmental Monitor will be handled within the routine duties of the Council. To the degree that this section increases the workload of the other state agencies that are involved with the sale or transfer of state-owned land, including DPW, the Department of Transportation, and the Office of Policy and Management, there may be a need for additional staff in the future.

Section 10 establishes the 'Environmental Review Account', a non-lapsing account in the General Fund. The amount of funds that would be diverted to this account from the General Fund for the uses specified is not known at this time. Since the account value cannot exceed \$100,000, it is anticipated to be minimal.

Sections 11 through 14 make changes to the timing of grant payments that have no fiscal impact on the Comptroller's Office or the Office of the State Treasurer.

Section 15 creates the classification of assistant comptroller in the Comptroller's Office and results in no costs to the agency.

Sections 1 through 5, 7 and 17 have no fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 1182*****AN ACT CONCERNING ADMINISTRATIVE PROCEDURES OF THE DEPARTMENT OF PUBLIC WORKS, AUDITING OF LARGE CONSTRUCTION CONTRACTS, ENVIRONMENTAL REVIEW OF CERTAIN LAND TRANSFERS, GRANT PAYMENTS TO MUNICIPALITIES, ADVERTISING ON STATE BUILDINGS AND CERTAIN EXEMPTIONS TO THE FREEDOM OF INFORMATION ACT.*****SUMMARY:**

This bill makes several unrelated changes affecting (1) state construction and contracts, (2) state real property, (3) the Freedom of Information Act (FOIA), (4) certain state grant payments to municipalities and neighborhood revitalization zones (NRZs), and (5) the comptroller.

Regarding state construction, the bill (1) expands the role of the Connecticut Mental Health Center's oversight committee, (2) increases the amount spent on art in connection with state projects, and (3) creates a state construction inspector. With respect to contracts, it increases, from 60 to 90, the number of days the public works commissioner, constituent units of higher education, and the Joint Committee on Legislative Management have to award contracts after they open bids. It also makes other technical changes.

Concerning state real property, the bill (1) removes the Department of Public Works (DPW) commissioner's 20-year limit on leases of state property to municipalities; (2) establishes a procedure to review proposed sales and transfers of state property to determine if they have significant natural and recreational resources that should be preserved; and (3) specifies to which facilities certain energy and environmental standards apply. It also requires the DPW

commissioner to make recommendations to the Government Administration and Elections (GAE) Committee about placing commercial advertisements on certain state properties.

It exempts from disclosure under FOIA certain documents concerning (1) minors and (2) contract negotiations.

Finally, the bill authorizes the comptroller to appoint assistant comptrollers as needed to conduct business. Any assistant comptroller the comptroller hires will be in unclassified service and serve at her pleasure.

The bill also makes technical and conforming changes.

EFFECTIVE DATE: Upon passage except the provisions addressing labor and material bonds, the construction inspector, the review of state property and the related account, and FOIA, which are effective October 1, 2007.

CONSTRUCTION (§§ 4 & 6-8)

Connecticut Mental Health Center

The bill expands the role of the oversight committee for the addition to the Connecticut Mental Health Center in New Haven being designed and built by a nonprofit organization. The bill requires the committee to:

1. approve all legal and related documents concerning the project's design, construction, and budget;
2. have access to all documents and materials, including project budgets, that the nonprofit organization or any of its agents, contractors, or consultants possess or control;
3. be fully informed by the nonprofit of the project's progress; and
4. meet at least once a month.

The bill specifies that the nonprofit organization is solely

responsible for selecting design consultants and construction contractors.

Bonds

The bill requires 1% of all bond allocations for the design of state buildings to be designated for art work. The law already requires 1% of all bond allocations for construction, reconstruction, and remodeling of state buildings to be allocated for artwork.

It also eliminates a requirement for contractors and subcontractors to furnish a labor and material bond on state or municipal construction contracts when the labor and material costs are between \$50,000 and \$100,000 and the contract's value exceeds \$100,000.

State Construction Inspector

The bill requires the auditors of public accounts to appoint an inspector to monitor all state construction and reconstruction projects valued at \$50 million or more. The inspector (1) must be a professional engineer licensed by the state and (2) must not be an employee of the contracting state agency or one of the contractors or subcontractors. The auditors must determine the number of hours the inspector spends monitoring each project. Any costs associated with the inspector are to be paid from funds allocated for the project.

Under the bill, the inspector must monitor each project for its duration, beginning with the bidder selection. The inspector must review each project's implementation and make recommendations to the auditors to ensure that state funds are used efficiently and effectively. Twice a year, the inspector must submit a written report to the auditors reviewing all monitoring activities.

STATE REAL PROPERTY (§§ 5, 9-10, & 16)

Energy and Environmental Building Standards

Current law requires most state facility construction projects approved and funded on or after January 1, 2007 to meet certain energy and environmental standards. The bill specifies that the

requirement applies to facilities for which the State Bond Commission allocates all bonds on or after January 1, 2007. It also specifies that it does not require the redesign of a facility if it was designed in accordance with these standards and before the implementing regulations are adopted.

By law, the environmental standards apply to new facilities costing \$5 million or more, other than school construction projects, salt sheds, parking garages, or maintenance facilities. The standards require state facilities to meet or exceed the silver building rating of the Leadership in Energy and Environmental Design's rating system for new commercial construction and major renovation projects or an equivalent standard. The alternative standard must at least include a two globe rating under the Green Globes USA design program.

Review for Natural and Recreational Resources

This bill requires state agencies, departments, and institutions to notify the Council on Environmental Quality and the Department of Environmental Protection (DEP) commissioner before selling or transferring state land. The notices (to be on a form the council approves) must be published for 30 days in the *Environmental Monitor*, allowing the public and other state agencies to comment on the land's significant natural and recreational resources and appropriate preservation means. The agency, department, or institution initiating the sale or transfer, together with DEP, must (1) respond to each comment received and (2) publish the comments and their responses in the *Environmental Monitor* for at least 15 days before selling or transferring the land or land interest.

The bill requires the DEP commissioner to develop a policy for reviewing the notices and recommending whether all or a portion of the land or land interest should be preserved by (1) transferring or granting a conservation easement to DEP; (2) imposing restrictions or conditions on the transfer; or (3) transferring all or a portion, or granting a conservation easement, to a third party. Whenever DEP recommends preserving land using one of the methods described

above, it must explain the basis for its recommendation. DEP's recommendation for the land, and the accompanying report, must be published in the *Environmental Monitor* for 30 days. Again, the agency, department, or institution, together with DEP, must (1) respond to each comment received and (2) publish the comments and their responses in the *Environmental Monitor* for at least 15 days before selling or transferring the land or land interest.

The bill does not:

1. affect (a) purchase and sales agreements in effect between the state and any prospective purchaser before October 1, 2007 or (b) any subsequent sale or transfer made from such a purchase and agreement;
2. apply to General Assembly land conveyances; or
3. apply to the sale or transfer of surplus state land if the agency complied with the bill's provisions when it designated the land as surplus.

The bill does not limit the applicability of the Connecticut Environmental Policy Act. In addition, it exempts state agencies, departments, and institutions from its notice and public comment requirements if they prepared an (1) environmental impact evaluation pursuant to the Connecticut Environmental Policy Act or (2) environmental statement pursuant to certain other state or federal laws.

Environmental Review Account. The bill establishes the "environmental review account" as a separate, nonlapsing account in the General Fund to support the notice and other requirements described above. The account may contain any money required or allowed by law including proceeds from the sale of state property that are not otherwise designated. If it has a balance at the end of a fiscal year, then it must be carried forward for the next fiscal year, but the account's balance cannot exceed \$100,000.

The account may only be used to (1) prepare or implement the recommendations or reports required by the bill or (2) prepare or review environmental impact evaluations required by the Connecticut Environmental Policy Act (see BACKGROUND).

Commercial Advertisements

The bill requires the DPW commissioner to make recommendations to the GAE Committee by February 1, 2008 concerning (1) placing commercial advertisements on state buildings, facilities, stadiums, arenas, or theaters, by advertisers or sponsors and (2) granting naming rights to such advertisers or sponsors for the state property.

FREEDOM OF INFORMATION ACT (§ 17)

The bill makes changes to the public's access to records. It exempts from disclosure under FOIA (1) the name and address of any minor enrolled in any parks and recreation program administered or sponsored by a public agency and (2) certain documents created during the contract award process.

The bill exempts responses to public agency requests for proposals or bid solicitations, and any related record or file created by the agency, if the agency's chief executive officer certifies that the public interest in confidentiality outweighs the public interest in disclosure. The documents may remain confidential only until the contract is executed or negotiations have ended, whichever comes first.

GRANT PAYMENTS (§§ 11-14)

The bill shortens the time the comptroller and the treasurer have to process certain grant payments to municipalities and NRZs. Under current law, the comptroller has 15 days from the time the Office of Policy and Management (OPM) secretary certifies the amount payable to draw an order on the treasurer. The treasurer then has 15 days to pay the grant.

The bill requires the comptroller to draw an order on the treasurer within five days of receiving the certification, and the treasurer to then pay the grant. (Under the CORE-CT system, these checks are issued

almost immediately.)

The payments to municipalities are from the (1) local emergency relief account, (2) local capital improvement fund, and (3) grant-in-aid program for computer-assisted mass appraisal systems. The NRZ payment is from the neighborhood revitalization zone grant-in-aid program.

BACKGROUND

Connecticut Environmental Policy Act

The Connecticut Environmental Policy Act requires state agencies to evaluate, in writing, the impact a proposed action would have on the environment. Among other things, these environmental impact evaluations, or EIEs, must examine the direct, indirect, and cumulative environmental consequences of the proposed action, and any reasonable alternatives to it. OPM reviews EIEs, determining if the agency has taken all practicable steps to avoid or minimize environmental harm.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 12 Nay 0 (03/26/2007)